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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/779,964      | 02/17/2004  | Stanley C. Valiulis  | 502580              | 9115             |

53609 7590 10/28/2005

REINHART BOERNER VAN DEUREN LTD.  
483 NORTH MULFORD ROAD  
SUITE 7  
ROCKFORD, IL 61107

EXAMINER

BAXTER, GWENDOLYN WRENN

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3632

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/779,964             | VALIULIS ET AL.     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Gwendolyn Baxter       | 3632                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-14, 16-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

This fourth Office Action is in response to Applicant's originally filed Application received in the Office on February 17, 2004 in this case.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 2, 4, 6-14, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlhauser. Dahlhauser teaches a mounting bracket system comprising a vertical support (10), a mounting bracket (20), and a display hook (26). The vertical support has regularly spaced apertures (12). The mounting bracket is mounted to the vertical support in a mounted position. The mounting bracket comprises a plate (20), a pair of laterally spaced prongs (22), and an interior chamber (not numbered). The plate has a front surface constructed to attach the display hook thereto. The pair of prongs connected to the plate. The prongs attach the plate to the vertical support by way of the apertures. Each of the prongs has a first portion (the portion parallel to the edge of the aperture of the support member – see fig. 2) extending rearwardly from the plate and a second portion (the curved portion 22 having a free end 22a) extending downwardly from the first portion. The second portion has a vertical height less than or equal to a diameter of the apertures. The interior chamber is defined by the rear surface of the plate and the inner surface of the first and second portions of the prongs. The interior chamber has a horizontal substantially equal to the

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thickness of the vertical support such that the rear and inner surface firmly engage the vertical support and attach the mounting bracket thereto in the mounted position. The mounting bracket is made of and comprises a single unitary component part. The display hook is secured to the mounting bracket. The horizontal width of the chamber is less than the thickness of the vertical support. The prongs engage and positively compress the vertical support in the mounted position. The prongs are integrally formed with the plate. The bracket is stamp formed from sheet metal, wherein a generally uniform cross sectional thickness is provided generally throughout the mounting bracket, when measured perpendicularly between opposed sides of the bracket and not through an outer peripheral edge of the bracket. The prongs are positioned adjacent a top edge of the plate. A second pair of laterally spaced prongs are structured similarly to the first pair of prongs but vertically spaced therefrom. The inner surfaces of the first and second portions of the second pair of prongs provide rotational stability. The mounting bracket includes a pre-mounted position with the plate being disposed generally parallel to the vertical support in spaced relation thereto forming a gap there between and with each of the second portions of each prongs situated in a corresponding one of the apertures in the vertical support. The mounting back moves from the pre-mounted position to the mounted position by a sequence of a horizontally displacement and a vertical displacement without pivoting movement.

However, Dahlhauser fails to teach the interior chamber has a horizontal width less than thickness of the vertical support such that the rear and inner surface firmly engage the vertical support and attach the mounting bracket thereto in the mounted

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position and the horizontal width of the chamber is between about .230 to about .235 inches. It would have been an obvious matter of design choice to have made horizontal width of the interior chamber less than thickness of the vertical support and to have made the chamber about .230 to about .235 inches, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. Despite the interior chamber being substantially equal to the thickness of the vertical support, the ability to mount and maintain the mounting bracket system on the vertical support is maintained however the bracket is not as secure.

Claims 5, 17, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlhauser in view of U.S. Patent No. 4,352,478 to Loew.

Dahlhauser teaches the limitations of the base claim, excluding the plate having upper and lower portions that extends upwardly and downwardly, respectively.

Loew teaches an upper portion of the plate extends upwardly to a point equal to or above the first portion of the first pair of prongs. A lower portion of the plate extends below the inner surfaces of the first portions of the second pair of prongs. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the plate as taught by Dahlhauser to incorporated an upper portion and a lower portion as taught by Loew for the purpose of a fixing the plate to the support.

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlhauser in view of U.S. Patent No. 5,505,314 to O'Brien. Dahlhauser teaches the limitations of the base claim, excluding the first and second portions are each planar.

O'Brien teaches a mounting bracket comprising a mounting finger (73), a plate (70), and a display hanger (68, 69). The mounting finger (73) has a first portion (74) and a second portion (75) that are each planar. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mounting fingers as taught by Dahlhauser to have incorporated the planar first and second portions shape, respectively as a merely substitution of functionally equivalent part for the purpose of maintaining and securing the mounting bracket system.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 4-14, 16-21 have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

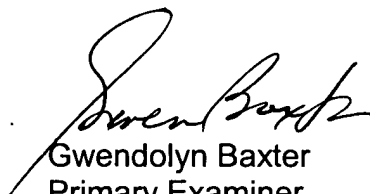
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gwendolyn Baxter  
Primary Examiner  
Art Unit 3632

October 18, 2005